IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 2937 of 2005

Between:

1 Lakshmi Sai Ram Dall Producers,

rep. by its Managing Partner. K.V. Rama Rao,
S/o. Adinarayana, Vittamarajupalli,
Vinukonda, Guntur District.
2 Seetha Lakshmi Dall Mill,

rep by its Managing Partner, P.Guru Lakshmi,

W/o. Sreenivasa Rao, Vittamrajupalli,

Vinukonda, Guntur District.
3 Sri Lakshmi Venkateswara Dall Mill,

rep. by its Managing partner, K. Srinivasa Rao,
S/o. Subba rao, Bittamrajupalli,

Vinukonda, Guntur District.
4 Haripriya Dall Mill

rep. by its Managing Parnter- P. Bhagyalakshmi,

W/o. Venkata Mohana Rao, S.No. 238/2,

Vittamrajupalli, Vinukonda, Guntur District.
5 Hanuman Dall Working Company

rep. by its Managing Partner K. Rama Koteswara Rao,
Vittamrajupalli, Vinukonda, Guntur District.
6 Ganesh Dall Producers

rep. by its Managing Partner, P. Kotha Koteswara Rao,

S/o. Seshaiah, Vittamrajupalli, Vinukonda, Guntur District.
7 Bhaskara Dall Producers

rep. by its Managing Partner R. Koteswara Rao,

S/o. Chandra Mouli, Nagireddypalli, Nirmala Nagar,

Vinukonda, Guntur District.
8 Maheswari Dall Producers,

rep. by its Prop. P.V. Satyanarayana,

S/o. Venkata Narayana, Nagireddypalli, Nirmala Nagar,

Vinukonda, Guntur District.
9 Nagasai Dall Mill,

rep. by its Managing Partner, P. Prakasa Rao,

S/o. Rosaiah, Nagireddypalli, Nirmala Nagar,

Vinukonda, Guntur District.
10 Manikanta Dall Producers,

rep. by Managing Parnter- J. Sreenivasa Rao,

S/o. Hanumaiah, Enugupalem Road,

Vinukonda, Guntur District.

11 Sri Tirumala Srinivasa Dall Mill

rep. by its Managing - Partner K. Venkaiah,

S/o. Hanumanthu Rao, Marakapuram Road,

Vinukonda, Guntur District.
12 Sri Kapileswara Dall Producers

rep. by its Managing - Partner

Immadisetty Venkata Nageswara Rao,
S/o. Venkata Subbaiah, Marakapuram Road,

Vinukonda, Guntur District.
13 D.Parameswari Dall Mill,

rep. by its Managing Partner- N.S.V. Ranga Rao,

S/o. Papi Setty, Marakapuram Road,

Vinukonda, Guntur District.
14 Srisaila Mallikharjuna Dall Producers

rep. by its - Managing Partner S. Rama Koteswara Rao,
S/o. Subba Rao, Palnadu Road,

Vinukonda, Guntur District.
15 Natraj Dall Mill

rep. by its Managing Partner- P. Koteswara Rao,

S/o. Venkata Subbaiah, Palnadu Road,

Vinukonda, Guntur District.
16 Sri Venkata Sai Dall Mill,

rep. by its Managing Partner- G. Venkata Subba Rao,

S/o. Venkata Ratnam, Palanad Road,

Vinukonda, Guntur District.
17 Sai Krishna Dall Producers

rep. by its Managing Partner- K. Anantha Koteswara Rao,

S/o. Subba Rao, Palanad Road,

Vinukonda, Guntur District.
18 Saran Dall Producers,

rep. by its Managing Partner, P. Venkata Krishna Rao,

S/o. Satyanarayana, Vittamrajupalli,

Vinukonda, Guntur District.
19 Sri Krishna Dall Mill

rep. by its Manging Partner, M. Krishnaiah,

S/o. Basavaih, Paland Road,

Vinukonda, Guntur District.

..... PETITIONERS

AND

1 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Adilabad, Adilabad District.
2 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Bhainsa, Adilabad District.
3 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Nirmal, Adilabad District.
4 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Nizamabad, Nizamabad District.

5 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Banswada, Nizamabad District.
6 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Madnoo, Nizamabad District.
7 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Sadasivpet, Medak District.
8 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Hyderabad, Hyderabad District.
9 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Rajendranagar, R.R. Districtr.
10 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Mahaboobnagar, Mahaboobnagar District.
11 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Makthal, Mahaboobnagar District.
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Kalvakurthi, Mahaboobnagar District.
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Devarakadra, Mahaboobnagar District.
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Tanapur, Mahaboobnagar District.
15 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Tadpatri, Anantapur District.
16 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Kurnool, KurnoolDistrict.
17 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Yemmiganur, KurnoolDistrict.
18 Agricultural Market Committee

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Atmakur, Kurnool District.
19 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Nandikotkur, Kurnool District.
20 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Tripuranthakam, Prakasam District.
21 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Dachepalli, Guntur District.
22 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Piduguralla, Guntur District.
23 Agricultural Market Committee

rep by its Secretary & Person-in-charge,
Eeepuru, Guntur District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction preferably in the nature of Writ of Mandamus declaring the action of the respondents in collecting the market fee on the Bengalgram, Redgram, Blackgram and Greengram which are purchased outside the state and are being transported to Vinukonda as arbitrary, illegal and consequently direct the respondents to refund the market fee collected on the Bengalgram, Redgram, Blackgram and Greengram which are purchased outside the state and are being transported to Vinukonda and pass such other orders as may be just and proper in the circumstances of the case.

Counsel for the Petitioners: MR.K.JAYA KUMAR

Counsel for the Respondents: MR.P.BHANU PRAKASH

The Court made the following :

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ORDER:

Petitioners, who are the owners of the Dall-Mills (manufacturing units), filed this writ petition seeking a declaration that the action of the respondents in collecting the market fee on the bengalgram, redgram, blackgram and greengram, which are purchased outside the state and are being transported to Vinukonda, Guntur District,

as arbitrary and illegal, and consequently direct the respondents to refund the market fee which was already collected from the petitioners.

The case of the petitioners, in brief, is that they are doing business in the manufacture of pulses *viz*., bengalgram, redgram, blackgram and greengram by obtaining licenses from the concerned authorities, and as there are no growers in and around Guntur District, they purchase the same from neighbouring states and transport them to Vinugonda through lorries. The core grievance of the petitioners is that the respondent-Officers are checking their lorries at the check posts and collecting the market fee on the said pulses, which are purchased outside the state.

The learned Counsel for the petitioners submitted that the respondents can collect the market fee only on any notified agricultural produce, livestock or products of livestock purchased or sold within the State of A.P., and they cannot levy the market fee on the agricultural produce purchased outside the State.

Per contra, the learned Counsel appearing for the respondents relied on an unreported judgment of this Court in W.P.No.2407 of 1999, wherein it was held that,

> 'If the petitioners furnish the proof that the stocks of food grains, which they are transporting, are actually being imported from outside the State, no fees shall be levied at the check post.'

Pursuant to the said judgment, on receipt of several representations from Agricultural Marketing Committees requesting to issue clear and unambiguous instructions regarding the collection of market fee on goods in transit from outside the State, the Director of Marketing, Government of Andhra Pradesh, Hyderabad, issued Circular No.Unit.V(2)186/2000 dated 23-3-2001, stipulating certain instructions for collection of market fees on notified commodities in transit at the check posts. In the said Circular, it was made clear that the purchase bill accompanying the Vehicle shall clearly mention the name, address, licence number and the Agricultural Marketing Committee, in which the purchaser is a licencee. Such purchase bill shall contain the stamp and signature of the border check post incharge to prove that the commodity is being transported from outside the State and if such purchase bill is produced, all the Agricultural Marketing Committees enroute

shall allow movement of the vehicle without collecting any market fee. It was further clarified that if the said commodity is purchased outside the state and transported into the state at the risk of the purchaser shall be examined for levy of market fee at the time of annual assessment, but, however, if the same is re-sold in the state, the market fee shall be collected on such sales.

The prayer of the writ petitioner is only to declare the action of the respondents in collecting the market fee in respect of the commodities purchased outside the State and transported into the State as illegal and arbitrary. In view of the aforesaid Circular dated 23-3-2001, the respondents are directed to follow the said instructions given in the Circular and allow the movement of the petitioners' vehicles without collecting the market fee, if they fulfil the conditions as specified in the said Circular.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

12th April, 2005

Note:

Furnish CC

In two days

B/o

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Copy to:

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